

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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AJIBOLA A. OSINAIKE and OLUSEGUN A.
OSINAIKE,

MEMORANDUM & ORDER
08-CV-2492 (NGG) (ALC)

Plaintiffs,

-against-

THE CITY OF NEW YORK, POLICE
OFFICER LEONARD MATHEWSON
SHIELD #23347, POLICE OFFICER "JOHN
DOE," and EMERALD GREEN L.P. a/k/a
PROGRESSIVE MANAGEMENT, in their
Individual and Official Capacities,

Defendants.

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NICHOLAS G. GARAUFIS, United States District Judge.

Plaintiffs initiated this action under 42 U.S.C. §§ 1983 and 1985, as well as New York state law, on June 20, 2008. (See Complaint (Docket Entry #1).) On July 17, 2010, the court dismissed all of Plaintiffs' claims except for their § 1983 claims against NYPD Officer Leonard Matthewson and against another, unnamed NYPD officer. (Docket Entry # 47.) On October 5, 2010, Magistrate Judge Andrew L. Carter ordered Plaintiffs to show cause why the action should not be dismissed for failure to prosecute. (Docket Entry # 51.) Plaintiffs did not respond to that order.

On November 12, 2010, Judge Carter issued a Report and Recommendation ("R&R") recommending that the court dismiss Plaintiffs' action for failure to prosecute. (Docket Entry # 52.) No party has objected to the R&R, and the time for doing so has passed. See Fed. R. Civ. P. 72(b)(2). Having reviewed Judge Carter's R&R, the court hereby adopts it in its entirety.

See, e.g., Brown v. Ebert, No. 05-CV-5579 (DLC), 2006 U.S. Dist. LEXIS 94265, at *6 (S.D.N.Y. Dec. 29, 2006) (where no party objects to an R&R, review is for “clear error”). The action is dismissed under Federal Rule of Civil Procedure 41(b) for failure to prosecute. The Clerk of Court is directed to enter judgment accordingly.

SO ORDERED.

s/Nicholas G. Garaufis

Dated: Brooklyn, New York
December 1, 2010

NICHOLAS G. GARAUFIS
United States District Judge